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27 July 1977

MEMORANDUM FOR THE RECORD

SUBJECT: SCC Meeting on PRM-29

1. The Senior Coordination Committee met on 26 July 1977 to act on changes to the present security classification system recommended by the PRM-29 Ad Hoc Committee, and to decide issues on which the Committee was unable to reach agreement. Dr. Robert Gates, NSC Staff, briefed me, Mr. Van Cook (Defense), Mr. Wells (ICRC), and Mr. Kienlen (OMB) on that meeting the next day. Dr. Gates said the SCC approved all Ad Hoc Committee recommendations as presented except as follows:

a. The location of the new Oversight Office will be determined by the President. OMB wanted it placed under the NSC Staff; the latter under OMB. SCC principals were all desirous of giving the Oversight Office enough authority to play an effective role in monitoring and improving the quality of the security classification system. All also agreed that this office should be in the Executive Office of the President.

b. Policies and procedures on secrecy agreements will be determined by the President. Admiral Turner argued for a government-wide secrecy agreement as a condition of access to classified information. The SCC consensus was that Justice would draft a minimum agreement to this end, and that re-execution would be required of those who have already signed a secrecy agreement.

c. All except ERDA agreed that paragraph marking should be mandatory, with exceptions for categories allowable upon by approval by the Oversight Office if requested by a department head. ERDA's dissent will be communicated to the President, with the statement that the new Executive Order will make such marking mandatory. ERDA also objected to the proposed level of authority for declassification actions, and wanted declassifying authorities to be of the same level as classifying authorities.

d. State and ERDA reserved their positions on classification criteria (which would determine classifiability) pending final expression in the draft Order. State expressed concern about the adequacy of protection under the system for foreign

sources, but was unable to state explicitly what was needed. They were asked to develop specific examples of what would not be adequately protected.

2. Dr. Gates advised that the SCC dealt with the PRM-29 issues as follows:

a. Advancing systematic review for declassification from 30 to 20 years. The concept was approved, but Archives and the departments/agencies were tasked to make a rough estimate of how much information in the 20 to 30 year-old period is foreign originated or intelligence material unlikely to be released upon review. If much of it falls into those categories (a subjective determination to be made, I gather, by the NSC Staff), the President will probably be asked to except such categories from 20-year declassification review and leave them at the present 30. The SCC consensus was that 10 years should be allowed to catch up on review of material falling with the 20 to 30-year time frame. The SCC generally agreed with Attorney General Bell's statement that continued classification protection after review at the 20-year period must be contingent on the reviewer being able to show that release at that time would be "demonstrably harmful" to the national security.

b. Whether information subject to systematic declassification should be reviewed by sampling or on an item-by-item basis. The sampling approach advocated by Archives was rejected.

c. How foreign-originated material should be declassified. The SCC agreed that such material should be declassified only on the basis of agreements with the foreign governments or international organizations which provided the information.

d. Whether classification guides should be mandatory or optional. The SCC agreed that they would be optional, but within a context that departments and agencies would be expected to develop and use such wherever possible. (Admiral Turner argued for mandatory guides.)

e. Whether the Order should require a balancing test. The SCC agreed that reference should be made in the new Order to the need to weigh the relative merits of public disclosure against classification protection, but that such should not be expressed as a required test. (Messrs. Gates and Neustadt, the Ad Hoc Committee co-chairmen, are to develop language on this.)

3. Dr. Gates advised that SCC members were in favor of tighter controls on compartmentation. Dr. Gates said the SCC consensus appeared to favor having each department and agency head maintain in his office a register

of all compartments or special access programs maintained within his organization. (Admiral Turner spoke in favor of such registries.)

4. Dr. Gates advised of the following procedural matters. All information requested at the SCC meeting was to be provided him not later than 12 August 1977. The NSC Staff would send the President a memorandum on or about 15 August asking him to decide on the location of the Oversight Office, secrecy agreements, and whether foreign-originated and intelligence material should be reviewed for declassification at 30 or 20 years. He said the President's decisions could be expected very soon thereafter, and that we (the drafters) should complete our work on the new Order promptly. He said the draft Order would then be sent out for formal comment, with replies due back in less than the customary 30 days. He noted that it might prove necessary to slip for about a week the scheduled 15 September 1977 date for the President to sign the new Order. Mr. Van Cook asked whether the proposed 1 January 1978 effective date for the new Order could be extended to allow more time to draft the implementing directive for the Order. Dr. Gates asked Messrs. Van Cook and Wells, and myself, to start drafting such now to get the complete package ready as soon as possible.



DCI Security Committee

cc: Chairman, COMIREX  
Chairman, SIGINT Committee

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